

# HOUSE BILL No. 1441

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-28-5-18.

**Synopsis:** Jury duty deferrals for postsecondary students. Provides that a prospective juror who is a full-time student enrolled in and attending an approved postsecondary educational institution during an academic year shall be exempted from jury service until the end of the academic year if: (1) the prospective juror requests a deferral by notifying the jury administrator that the prospective juror is a full-time student enrolled in and attending an approved postsecondary educational institution; (2) the prospective juror provides proof to the jury administrator that the jury service will likely interfere with the prospective juror's class schedule during the academic year; and (3) the court determines that the prospective juror has demonstrated that a deferral until the end of the academic year is necessary due to likely interference with the prospective juror's class schedule during the academic year.

**Effective:** July 1, 2015.

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## Klinker

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January 14, 2015, read first time and referred to Committee on Judiciary.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1441

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 33-28-5-18, AS AMENDED BY P.L.157-2009,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2015]: Sec. 18. (a) The supervising judge or the jury  
4       administrator shall determine whether a prospective juror is qualified  
5       to serve or, if disabled but otherwise qualified, whether the prospective  
6       juror could serve with reasonable accommodation. A person who is not  
7       eligible for jury service may not serve. The facts supporting juror  
8       disqualification or exemption must be recorded under oath or  
9       affirmation. A disqualification or exemption is not authorized unless  
10      supported by the facts. The jury administrator shall make a record of all  
11      disqualifications.  
12      (b) A prospective juror is disqualified to serve on a jury if any of the  
13      following conditions exist:  
14          (1) The person is not a citizen of the United States, at least  
15          eighteen (18) years of age, and a resident of the county.



(2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.

(3) The person is incapable of rendering satisfactory jury service due to physical or mental disability. However, a person claiming this disqualification may be required to submit a physician's or authorized Christian Science practitioner's certificate confirming the disability, and the certifying physician or practitioner is then subject to inquiry by the court at the court's discretion.

(4) A guardian has been appointed for the person under IC 29-3 because the person has a mental incapacity.

(5) The person has had the right to vote revoked by reason of a felony conviction and the right has not been restored.

(c) A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:

(1) The prospective juror has not previously been granted a deferral.

(2) The prospective juror requests a deferral by contacting the jury administrator:

- (A) by telephone;
- (B) by electronic mail;
- (C) in writing; or
- (D) in person.

(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:

- (A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and
- (B) a date when the court will be in session.

(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

- (A) hardship;
- (B) extreme inconvenience; or
- (C) necessity.

**(d) Notwithstanding subsection (c), a prospective juror who is a full-time student enrolled in and attending an approved postsecondary educational institution (as defined in IC 21-7-13-6) during an academic year shall be exempted from jury service until the end of the academic year if:**

**(1) the prospective juror requests a deferral by notifying the**



1 jury administrator that the prospective juror is a full-time  
 2 student enrolled in and attending an approved postsecondary  
 3 educational institution;

4 (2) the prospective juror provides proof to the jury  
 5 administrator that the jury service will likely interfere with  
 6 the prospective juror's class schedule during the academic  
 7 year; and

8 (3) the court determines that the prospective juror has  
 9 demonstrated that a deferral until the end of the academic  
 10 year is necessary due to likely interference with the  
 11 prospective juror's class schedule during the academic year.

12 ~~(d)~~ (e) A prospective juror who is at least seventy-five (75) years of  
 13 age may be exempted from jury service if the prospective juror notifies  
 14 the jury administrator that the prospective juror is at least seventy-five  
 15 (75) years of age and wishes to be exempted from jury service.

16 ~~(e)~~ (f) A person may not serve as a petit juror in any county if the  
 17 person served as a petit juror in the same county within the previous  
 18 three hundred sixty-five (365) days in a case that resulted in a verdict.  
 19 The fact that a person's selection as a juror would violate this  
 20 subsection is sufficient cause for challenge.

21 ~~(f)~~ (g) A grand jury, a petit jury, or an individual juror drawn for  
 22 service in one (1) court may serve in another court of the county, in  
 23 accordance with orders entered on the record in each of the courts.

24 ~~(g)~~ (h) The same petit jurors may be used in civil cases and in  
 25 criminal cases.

26 ~~(h)~~ (i) A person may not be excluded from jury service on account  
 27 of race, color, religion, sex, national origin, or economic status.

